

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Joint Resolution

No. 2

Introduced by Assembly Member Caballero

(Coauthors: Assembly Members Arambula, Coto, De Leon, Fuentes, Hernandez, Mendoza, Nava, John A. Perez, V. Manuel Perez, Salas, Saldana, Solorio, Torres, ~~and Torrico~~ *Torrico, Adams, Ammiano, Anderson, Beall, Bill Berryhill, Tom Berryhill, Block, Blumenfield, Brownley, Buchanan, Charles Calderon, Carter, Chesbro, Conway, Cook, Davis, De La Torre, DeVore, Emmerson, Eng, Evans, Feuer, Fletcher, Fong, Furutani, Gaines, Galgiani, Garrick, Gilmore, Hagman, Hall, Harkey, Hayashi, Hill, Huber, Huffman, Jeffries, Jones, Krekorian, Lieu, Logue, Bonnie Lowenthal, Ma, Monning, Niello, Nielsen, Portantino, Price, Ruskin, Silva, Skinner, Smyth, Audra Strickland, Swanson, Torlakson, Tran, and Yamada*)

(Coauthors: Senators Cedillo, Correa, Florez, Negrete McLeod, and Oropeza)

January 22, 2009

Assembly Joint Resolution No. 2—Relative to Mexican braceros.

LEGISLATIVE COUNSEL'S DIGEST

AJR 2, as amended, Caballero. Mexican braceros: settlement.

This measure would urge the United States government to urge the Mexican government to extend the deadline for Mexican laborers, known as braceros, who worked in the United States beginning in 1942 as part of a labor importation program initiated by the United States to

alleviate a labor shortage during World War II, to submit a claim to recover unpaid wages from a specified settlement fund. It would also urge the United States government to urge the Mexican government to accept a variety of documents as proof of a valid claim.

Fiscal committee: no.

1 WHEREAS, The “Bracero” program was a labor importation
2 program initiated by the United States government in 1942 to
3 alleviate the country’s labor shortage during World War II. Over
4 the program’s 22-year life, more than 4.5 million Mexican
5 nationals, known as braceros, were legally contracted to work in
6 the United States; and

7 WHEREAS, Between 1942 and 1946, 10 percent of the braceros’
8 wages were deducted from each paycheck and set aside for a
9 “savings fund,” to be paid to the braceros upon their return to
10 Mexico and to ensure that the braceros would return to their
11 country. Yet, even upon returning most braceros never received
12 the savings that were automatically deducted from their paychecks;
13 and

14 WHEREAS, For years the braceros have petitioned the Mexican
15 government and, more recently, the Mexican bank, Banrural, to
16 acknowledge the existence of these funds. Farmworker activists
17 estimate the total sum owed to the braceros to be between \$150
18 million and \$3 billion, including interest; and

19 WHEREAS, Eight years ago, six braceros filed a class action
20 federal lawsuit, on behalf of themselves and other braceros, against
21 the Mexican government. Those six braceros and the Mexican
22 government have now entered into a proposed settlement, which
23 may entitle the braceros to a one-time award of 38,000 pesos each
24 from the Mexican government; and

25 WHEREAS, The Mexican government has stated that the
26 settlement only applies to braceros who worked from 1942 to 1946,
27 which it said was the period when 10 percent of the braceros’
28 wages were deducted. Many braceros claim the deduction
29 continued after 1946, and many braceros were unable to prove that
30 they were employed during and after 1946. Requirements imposed
31 on the braceros by the Mexican government are very stringent and
32 difficult for braceros to fulfill, including a requirement to provide
33 only original documents or certified (apostilled) copies. There are
34 two categories of documents that must be presented: proof of

1 Mexican citizenship (a Mexican-issued passport, Mexican voting
2 card, Mexican military service card, or Declaracion de
3 Nacionalidad Mexicana), and evidence of employment in the
4 United States (proof of an individual work contract issued by a
5 United States employer, proof of payment of wages by a United
6 States employer, an apostilled social security record showing
7 payments derived from work in the bracero program, or a Mexican
8 Consular identification card). Only original or certified replacement
9 copies may be submitted. The Mexican government has stated that
10 eligibility for this payment includes any bracero, or his or her heir
11 or beneficiary, who can prove the worker was employed in the
12 program in the United States between the years of 1942 and 1964
13 for a one-time payment of thirty-eight thousand Mexican pesos
14 (\$38,000) or about three thousand five hundred dollars (\$3,500);
15 and

16 WHEREAS, The State of California has a unique social and
17 moral responsibility in this matter because many of the braceros
18 worked and resided in California and because many elderly
19 braceros and their heirs or beneficiaries are now residents of this
20 state; and

21 WHEREAS, All claims must be submitted no later than January
22 5, 2009, in the United States and January 28, 2009, in Mexico.
23 Claim forms must be submitted to one of the Mexican Consulates
24 in the United States or to the Consular Section of the Embassy of
25 Mexico in Washington, D.C., and must be received by the consulate
26 or the Consular Section of the Embassy of Mexico on or before
27 that date; now, therefore, be it

28 *Resolved by the Assembly and the Senate of the State of*
29 *California, jointly*, That the Legislature of the State of California
30 urges the United States government to urge the Mexican
31 government to extend the deadline for submitting a claim; and be
32 it further

33 *Resolved*, That the Legislature urges the United States
34 government to urge the Mexican government to accept a variety
35 of documents, including, but not limited to, affidavits or copies of
36 original documents, to prove that a bracero or his or her heir or
37 beneficiary has a valid claim; and be it further

38 *Resolved*, That the Chief Clerk of the Assembly transmit copies
39 of this resolution to the President and Vice President of the United
40 States, to the Speaker of the House of Representatives, to the

1 Majority Leader of the Senate, to each Senator and Representative
2 from California in the Congress of the United States, to
3 Ambassador Arturo Sarukhan, Ambassador of Mexico to the
4 United States, and to the Consul General of Mexico in the
5 following cities: Calexico, Fresno, Los Angeles, Oxnard,
6 Sacramento, San Diego, San Francisco, San Jose, and Santa Ana.

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